

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE**

DONNIE JAMES VINSON,

Plaintiff,

No.: 3:08-CV-512

vs.

**CAMPBELL COUNTY SHERIFF'S
DEPARTMENT; ZACHARY F. GRAVES,
INDIVIDUALLY AND IN HIS CAPACITY
AS OFFICER OF THE CAMPBELL COUNTY
SHERIFF'S DEPARTMENT; ADAM
DOUGLAS, INDIVIDUALLY AND IN HIS
CAPACITY AS OFFICER OF THE
CAMPBELL COUNTY SHERIFF'S
DEPARTMENT; and GARY PERKINS,
INDIVIDUALLY AND IN HIS CAPACITY
AS SHERIFF OF THE CAMPBELL COUNTY
SHERIFF'S DEPARTMENT,**

Defendants.

MOTION FOR SUMMARY JUDGMENT

The Defendants, Campbell County Sheriff's Department, Zachary F. Graves, Adam Douglas, and Gary Perkins, by and through counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby move this Court for entry of an Order granting the Defendants judgment as a matter of law. For cause, Defendants state that there are no genuine issues of material fact and that the Defendants are entitled to judgment as a matter of law. Specifically, the Defendants state that Plaintiff's claims fail as a matter of law for the following reasons:

1. The Campbell County Sheriff's Department is not an entity subject to suit;

2. Sheriff Gary Perkins is immune from claims made under state law pursuant to Tenn. Code Ann. § 8-8-301;
3. Plaintiff's claims against Campbell County for violation of his constitutional rights, pursuant to 42 U.S.C. § 1983, fail to state a claim because *respondeat superior* is not a proper basis of liability under § 1983;
4. Defendants Zachary F. Graves, Adam Douglas, and Gary W. Perkins are shielded from suit by qualified immunity;
5. Plaintiff fails to state a claim for violation of the Tennessee Governmental Liability Act;
6. Plaintiff's claim for attorney fees should be dismissed because Plaintiff is *pro se*.

In further support of this Motion, the Defendants rely on the attached Statement of Material Facts and Memorandum of Law.

WHEREFORE, the Defendants respectfully request that the Court grant this Motion, dismissing this case with prejudice.

Respectfully submitted,

/s/ Rhonda L. Bradshaw
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SPICER RUDSTROM PLLC
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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2010, a copy of the foregoing Motion for Summary Judgment was filed via the electronic filing system for the U.S. District Court Eastern District of Tennessee at Knoxville and delivered, via U.S. Mail, to the following:

Donnie James Vinson
660 Banner Fork Rd
Wallins Creek, KY 40873

/s/ Rhonda L. Bradshaw
Rhonda L. Bradshaw, RN JD